

EDWARD G. DONOVAN
Mayor

CONSTRUCTION DEPARTMENT

FRANK F. DiROMA
Supervisor of Code Enforcement

THOMAS F. FLARITY
Municipal Administrator

BOROUGH OF MANASQUAN
COUNTY OF MONMOUTH

ALBERT "SANDY" RATZ
Construction Official

The Manasquan Planning Board held a Regular Meeting on June 4, 2019 at 7PM in the Council Chambers, 201 E Main Street. In the absence of Chairman Neil B. Hamilton, Mark Apostolou ran the meeting. He asked everyone present to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

**John Muly, Greg Love, Mark Apostolou, Kevin Thompson,
Leonard Sullivan, Mark Larkin, John Burke**

Board Members Absent:

**Mayor Ed Donovan, Councilman Mike Mangan, Neil Hamilton, Robert Young,
Barbara Ilaria (Mayor's Alternate)**

Professionals Present:

**Al Yodakis – Engineer
George D. McGill – Attorney**

Mr. McGill read the Sunshine Law in its entirety.

Mr. McGill swore in Lenny Sullivan.

Approval of March 5, 2019 minutes – Kevin Thompson made a motion to approve, seconded by Greg Love.

Board Members Voting to approve:

**John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan,
Mark Larkin, John Burke**

Leonard Sullivan made a motion to approve the invoices, seconded by John Burke.

Board Members Voting to approve:

**John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan,
Mark Larkin, John Burke**

RESOLUTION #11-2019 – Shadlun, Evan – 539 Brielle Road – Kevin Thompson moved to approve, seconded by John Burke

Board Members Voting to approve:

**John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Mark Larkin, John Burke
Leonard Sullivan - abstained**

RESOLUTION #19-2018 – DaCruz, Janet – 32 Rogers – John Burke made a motion to approve the Resolution, seconded by John Muly. This application was denied.

Board Members Voting to approve Resolution denying the application:

John Muly, Mark Apostolou, John Burke

Board Members abstaining:

Greg Love, Kevin Thompson, Leonard Sullivan

RESOLUTION #15-2019 – Falkowski, Brian & Abby – 255 First Avenue – John Muly made a motion to approve, seconded by John Burke.

Board Members Voting Yes:

John Muly, Mark Apostolou and John Burke

Board Members Abstaining:

Greg Love and Kevin Thompson, Lenny Sullivan, Mark Larkin

RESOLUTION #19-2019 – Fun Girl Properties, Lori Triggiano – 22 N Main Street – John Burke made a motion to approve, seconded by Greg Love.

Board Members Voting Yes:

John Muly, Mark Apostolou, and John Burke

Board Members Abstaining:

Greg Love, Kevin Thompson, Leonard Sullivan, Mark Larkin

RESOLUTION #20-2019 – 139 Union Avenue – Neil DuCharme – OCLAR/RALCO – Kevin Thompson made a motion to approve the Resolution of denial, seconded by John Burke.

Board Members Voting Yes to approve the Resolution of Denial:

John Muly, Greg Love, Mark Apostolou, Kevin Thompson, John Burke

Board Members Abstaining:

Leonard Sullivan, Mark Larkin

APPLICATION #21-2019 – Murphy, Peter and Francesca – 123 Glimmer Glass Circle – Block: 136 – Lot: 12 – Zone: R-2 – C. Keith Henderson is the attorney representing the applicants. The Board accepted jurisdiction as the file was in order. Mr. Henderson had three witnesses to be sworn in, Joseph Kociuba, KBA Engineering, Paul Grabowski, Virtuoso Architecture, LLC., Peter Murphy, owner/applicant, and Board Engineer/Planner Al Yodakis. The first witness called is Peter Murphy, the home has been in his family since 2002, he moved down here full-time in 2015. He purchased the property from the estate of his mother. They are proposing a brand new home from the foundation up. They have four boys under 11 years of age. They all go to Manasquan School. Next, Paul Grabowski was called to testify, the Board accepted his credentials. Keith asked him as an architect to discuss a few of the variances. He explained the project which is to construct a new side, second story, and third half-story addition with other interior alterations to the existing dwelling. Mr. Henderson explained that this subdivision has no files that can be found, he said they are missing. He sent to the County and got a copy of the filed Map, he also provided one to the Town. A-1 dated 1988, January 22 is a map of the Glimmer Glass Circle subdivision. He showed the property in question on the map, he explained that none of the lots on that circle are conforming in front. Because the properties are pie shaped they don't meet the frontage but the lot in question is over 9,000

square feet in size. As the Town doesn't have any paperwork on file for this subdivision he couldn't prove that other lots had sought variances. They are under on proposed building coverage, under on lot coverage. They meet and exceed the lot width, the front yard setback, side setback (left) is over what is allowed being at 6.48 where 5-feet is required. Right side complies. Rear setback is 35-feet required and they propose 35.41-feet so they more than comply with that. The only variance they are seeking is the building height which for a non-conforming lot is 33-feet and they are requesting 35.71-feet. With regard to the generator they will make that go away, Al Yodakis agreed with their design for that. The mechanicals are fine where they are and proposed. John Burke asked about the water area and if they are encroaching onto any wetlands area. Mr. Henderson said no, there is an environmental easement as everyone in Town is aware of on this property and that easement is actually in favor of Manasquan as opposed to the DEP. George McGill asked how they are making the generator comply. Joe will explain that. Mark Apostolou said you stated you are not sure how the lots on the cul-de-sac were created because you don't have the records, but the height variance is required as a result of that? Mr. Kociuba said the height variance is required because our frontage is only 35.52, but when we get to the 25-foot setback we are at 50-feet wide and then we comply. Mark asked about all the other houses that are contiguous that are not on the arc? What are their heights? Keith Henderson said the houses on either side of us have half stories but the height is not known. Al Yodakis said the issue is this is not a conforming lot and that knocks you down to 33-feet. Mr. Henderson said originally when this project was approved, the height limitation was 35-feet, in pre-Sandy if you were a non-conforming lot or a non-conforming structure on a conforming lot you could only go to 33-feet. However, if you measured it from that front setback line as most Towns do with irregular lots, then you could go to 38-feet, that's the irony of it. Al said that's the only non-conformity now that is changing their height requirement right now. Next witness to testify is Joe Kociuba who was accepted by the Board. George asked if he would be testifying to Engineering and Planning and Joe said yes. Keith asked him about the generator. Joe said it's essentially subtraction by addition. He said the rule on a generator is it cannot exceed the side setback of the building itself. Right now our porch is set at 7.36-feet, but our generator is at 6.48-feet, so it sticks out about a foot further than the building. We have plenty of room building and impervious coverage wise to increase our porch and because of the pie shape if we move it forward 2 ½-feet it does get close to the property line and shades in front of the generator but by us increasing the size of the porch we actually make the generator variance go away. But we are still within the building and impervious coverage and Al agrees with that. He said they have plenty of space on this lot to work with. Joe said the depressed portion of the driveway is 18 ½-feet wide compliant. So, it's 21-feet to the end of the flare but the actual definition is depression which Al's concurs with that it is compliant. The only variance we are looking at here is building height. George said so we have a compliant driveway. Keith said so the only relief we are seeking from the Board is the height variance and Joe said correct. At the front setback the lot is more than 50-feet wide. The area of the lot behind that 50-feet is about 8,250-square feet. Although by definition by technicality we are a non-conforming lot, he doesn't believe this is one of the non-conforming lots really anticipated

by the Ordinance to produce height. We are substantially oversized; we are 32% larger than what is permitted in the zone. The architectural plans note that the height variance we are requesting looking at the left elevation doesn't start until we are about 16 ½-feet back from the house. So, the height variance where we exceed 33-feet isn't right up at the front of the building. He believes that was the intent of the Ordinance. On the smaller lots you didn't want the excessive height to be towering over the neighbors or the road. In this particular case that is not the case. There are very few types of these subdivisions where you have a cul-de-sac in Manasquan. Very few where you have these pie shaped lots, it's a very unique situation. As a result, because it's pie shaped and the way the home is designed the actual height is set back much further from the road way than the face of the home. From a visual perspective you won't have that large massing, you won't have the impact to air and open space. We are not seeking 38-feet; we are slightly over 35-feet which we were allowed to have pre-Sandy. The intent is to get the half-story and the extra space there and be flood compliant. Obviously, that's a large concern. He believes this application meets the C-1 and C-2 criteria. They had photos of the site, A-2 is a copy of the plot plan as part of your jurisdictional packet, A-3 is the architectural plans we are referring to, which is a copy of the front and left elevation as well as colored rendering. A-4 is a photo board, specifically the existing home is in the top center, to the left is the 2 ½ story house and to the right is a 2 ½-story structure and some other representative 2 ½-story structures in the subdivision. But, he didn't know the height of those specific homes. Lenny Sullivan asked if they could bring the height down. Mr. Kociuba said given the flood conditions as well as the remainder of the home it's really necessary to have that extra height to allow for a usable half-story. Greg Love asked what is the first floor ceiling height. Mr. Kociuba said 10-feet. The second floor height is 8-foot. Third floor at the highest point is 7-foot. Lenny said you don't have room in that 10-feet to lower it a little bit. Mr. Murphy said we wanted the 10-feet because we only have one room on the first floor which will be the kitchen and open space. Mark Apostolou said it can still be big and open and not be 10-feet. Lenny said if you took some feet off the first ceiling you'd still have an open area, I'm not quite sure of the rationale there. Joe said we would still require relief but Lenny said you would require less relief. Keith said the MLUA is not what you could do but what is reasonable, what we are saying to you is we believe in light of the size of this lot under the fact that next door we could go to 38-feet, it's unreasonable to restrict a house on a lot that is over 9,000 square feet. Lenny said Mr. Henderson we are just looking for a little compromise and Keith said we are giving it, we are not building this lot out, we are not covering it with impervious coverage. I cannot see of a single purpose that would be advanced by the Land Use Act or by your Zoning Ordinance, there are 40 lots in this subdivision, the ones on the circle that are being curved because of the way it was designed and the way you approved it. That does not seem reasonable. Mark Apostolou said the alternative is you could design a larger house square footage wise and still be in conformity without going to the height, so if the family wanted that much larger of a living space you could do it because of the size of the lot. The architect could design that. Keith said the test is not what we could do it's what's reasonable. Mr. Kociuba said we are trying to save the existing foundation, we are trying to save as much as we can and build upon

what exists. Our lot even from the front setback back is larger than our neighbor's lot. George said we have the C-1 and C-2 testimony in and discussion as to what the standard is and the hardship of the C-1, you have to look at the condition of the property. What they are arguing is that the frontage creates a hardship for the property. Now we have this issue and we have to deal with that, the Zoning Officer said you need a Variance for that but I understand what you are saying, this is an approved map, approved subdivision. I'm not being coy with that but we need to deal with that issue because it's written up that way, and denied because of that so we can't leave that hanging. We are going to have to deal with that but we also have the issue with that's the way that subdivision was drawn up so you are going to bump into the self-created hardship issue on that frontage because you said it yourself they are probably looking for more lots, that's something they had to do to get more lots. That's a good assumption. But on a C-2 we have to look at a better zoning alternative, what's the purpose of the reduction in height. You are arguing that there is a larger lot there and the purpose is to restrict height on smaller lots, that's what your testimony is if I understand just so the whole Board is clear on it. I think you are looking for a better zoning alternative because your argument is on either side you can have a 38-foot over there and you are going to be restricting and you have a situation where you have different size houses which in and of itself is not conforming. Mr. Henderson said you can't just say because it's in the Ordinance, that's why you are here, you are here for variances. Kevin Thompson made a motion to open the meeting to the public for questions, seconded by John Burke, all in favor none opposed.

Kevin Thompson made a motion to close, seconded by John Burke, all in favor none opposed.

Motion to open to the public for statements made by Kevin Thompson, seconded by John Burke, all in favor none opposed.

Audience Members Coming Forward:

Alan Deutsch – 125 Glimmer Glass Circle – He lives in the house to the left of the applicant. George McGill swore him in. He said he has no qualms or problems with what has been proposed before you. Mark Apostolou said for the record this gentleman is his neurologist and saved his life. Greg Love asked Mr. Deutsch what is the height of his house and he said he believes it is 35-feet. They did renovations prior to Sandy.

Kevin made a motion to close the public portion, seconded by Greg Love, all in favor none opposed.

Mr. Henderson gave his closing statement.

Mark Apostolou said the frontage issue has to be addressed as per the Board attorney. George said we have to have a finding of the Board that no variance is necessary for the front yard deficiency and then move on to the height. Mark Apostolou stated he accepts the lot as is by way of frontage, seconded by John Burke.

Board Members voting yes to lot frontage:

John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, John Burke

Mark Apostolou said on the second matter he is not in favor of the application, he respectfully disagrees with Mr. Henderson's C-1 and C-2 parameters. There is room to

adjust this, they can reduce it by 2-feet. He would be in favor if they agreed to reduce the height by 2-feet. The architect said that would bring the first floor ceiling height down to 8-feet and he hasn't designed a house with an 8-foot ceilings in 25 years. 9-feet is the standard. Leonard Sullivan supports Judge Apostolou on his thoughts as would Kevin Thompson. The architect said if they reduced it to a 9-foot first floor ceiling height they would be at the same height of the neighbor. Mark said he is not in favor of that, Lenny is not in favor of that either, John Burke and John Muly and Mark Larkin said they could live with that too.

George McGill said we have to see if the applicant wants to amend the application, we have seven members present and we need a majority of those votes to be affirmative.

Keith Henderson respectfully requested that the Board carry the application for a month while they work with the architect to see what their options are.

Kevin Thompson made a motion that the application be carried to the July 9, 2019 regular meeting, seconded by Leonard Sullivan. There will not be a notice or publication required as the Board accepted jurisdiction. All in favor, none opposed.

APPLICATION #03-2018 – Shiloh Baptist Church – 44 Union Avenue – David Leone is the attorney representing the Church. Mr. McGill swore in Reverend Michael Morgan, Ray Carpenter, Walter Miller, builder and James D. Carton, IV. Mark Apostolou said historically we had granted a variance with regards to this project. But, in his opinion this is a whole new application, therefore the board members that were absent for the first application can hear this tonight and offer their opinions and vote, George McGill agreed. David Leone was the first to testify, he said this was heard last March and relief was granted. This is an existing non-conforming building in the B-1 Zone, it doesn't meet the setback requirements or the frontage requirement. The Resolution from last year did grant relief in terms of the frontage, the main change with today's application is the side setback. Originally this was 13-feet and the current application reduces the setback down to 8.66-feet. The Law Firm of Mr. Carton and Mr. Leone is right next door and they share a parking lot with the Church. Mr. Leone explained that there will be a reconfiguration of the interior of the Church, it will not change the seating, or parking requirements, the only significant change is to the side setback which is 4-feet, 7-inches less than was previously approved by the Board. He called his first witness, Reverend Michael Morgan. He was sworn in previously, they put the project out to bid and Mr. Miller was retained. He had architects on staff and they realized that the handicapped struggled to get into the Church and Mike never realized how close they actually were to Highway #71. That really was a real directive that made them look at a new plan. The difference now is the proposed side entry will make it a lot easier because it is a shorter walk, whether you are in a wheelchair, a cane or whatever the case may be. It will be a much shorter walk to get into the Church but you also won't be walking to Highway #71. They will still have handicapped bathrooms, they will take the existing bathrooms and modify them. They will also have an elevator. That will assist the elderly, and handicapped. This new plan is a much more efficient way for access to the entire Church. The balcony will be for their sound equipment, storage and possibly overflow of people when they have a funeral. There were

renderings prepared of the outside of the Church, they will meet the Borough Ordinance with regard to signage, they will put bollards to protect the door. They will repave the sidewalk and driveway. Leonard Sullivan asked about the existing front door and Mr. Leone said that will be addressed with Mr. Carpenter and Mr. Miller, but the front will be closed. Next, Ray Carpenter was called to testify regarding Engineering and Planning. His credentials were accepted. He explained the difference between this new application and the previous. Exhibits A-1 and A-2 were marked. A-1 is what exists now, A-2 is what was approved last year. Last year they came in for an addition and new stairs to the front of the Church. They will be removing the front steps and the main entrance will be on the north side of the building, it will be ADA compliant. Kevin said there is also significant flooding on #71. Al Yodakis said there is a plenty wide access aisle for cars to get back to the parking area. Two pictures were marked as Exhibit A-3, A-4. A-3 shows two cars parked at the rear of the Church in the driveway and A-4 is showing backing up closer to #71 but the same view of the Church. The orange cones are approximately where the bollards will be installed. Al Yodakis said there is still a 25-foot wide access aisle to get back there. Aesthetically the site will look better without the stairs in the front, it's a nice historic building, they will be preserving the historic look of the building. Mr. Leone called Mr. Walter Miller, he owns a contracting company for 20 years. He primarily works with Churches, design and development of the best planning for their buildings. He has previously done renovations in Churches. He also worked as an architectural designer under the direct supervision of Alan Robinson who is a registered architect since 1997 in the State of New Jersey. He has appeared before Planning Boards. George McGill said he is essentially a fact witness. Mr. Leone asked him if he reviewed the previous plans that were presented to the Board and he said yes. He made suggestions to Pastor Morgan one being the entrance on the side of the building. The Staff Architect drew up the plans regarding this application. They are ADA compliant. Next, Mr. Leone called upon Mr. James Carton. He feels the new plan makes more sense for people walking and the safety of those entering the Church. Kevin Thompson made a motion to open to the public, seconded by John Burke, all in favor none opposed.

Public Participation:

Janice Shibli – 9 Euclid Avenue – George swore her in. She said their backyard is right around the parking lots. Her concern is if the parking lot going to be enlarged anymore because there is about a 12-foot space there between where their fence is and the parking lot of the Church and Law Firm. Mr. Leone said there will not be any expansion of pavement but the lot will be resurfaced. He said in fact there may be a little bit less coverage.

Mark Apostolou made a motion to close the public portion, seconded by Greg Love, all in favor none opposed.

Al said the applicant has already addressed the comments on his report. He agrees, he thinks this is a safer layout that what was previously proposed.

Mr. Leone gave his closing statement.

Kevin Thompson made a motion to approve the application, seconded by John Burke.

Board Members Voting Yes:

John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, John Burke

Mr. McGill addressed the Melissa Kelly matter. This came before the Planning Board, Mark Apostolou said the TRC has reviewed it and approved. George said he received a plan from Dick Furey and a short explanation from Mary and an e-mail from Dick Furey as well. We are looking at compliance with a condition of a Resolution that required the applicant to come back before the Board should they change their plans. His opinion is that it goes back to Mr. Furey with the recommendations that the Tech Committee writes a letter to Dick Furey saying that they reviewed it, approved it and send it back to him for further action. As long as there are no variances required George really doesn't think it needs to come before us, however it is a statement in a Resolution that is honored. George wants John Muly to put something in writing, he will pass it on to Bob Young. Kevin Thompson made a motion to approve this action, seconded by John Burke.

Board Members Voting Yes:

John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Mark Larkin, John Burke

Correspondence:

A letter from Giordiano, Halloran and Siesler on the Hall Family Trust, they came before the Board last year and they are stating basically that there was a personal family issue that precluded them from acting on the variance, they now want to begin the construction. They are adding an elevator but they are not changing any other plans, the floor plan is not changing. Our attorney says it's an automatic grant, they have not had any previous grants. George said he has no problem with the Board approving the extension. That is the spirit and nature of our rules. Good cause has been shown. We give them another 9-months. John Burke made a motion to approve, seconded by Kevin Thompson, all in favor none opposed. The Board Secretary will prepare a letter stating the 9-month extension has been approved. The elevator is interior and the plans will be approved by the Construction Department.

There was a letter dated May 26, 2019 from Brian Moran, asking for an extension to complete the project. We had granted one extension before. George said it's within your discretion to grant a second extension. There is no reason to not extend the approval. Kevin Thompson made a motion to extend another 9-month extension to Brian Moran, seconded by John Burke.

Board Members Voting Yes:

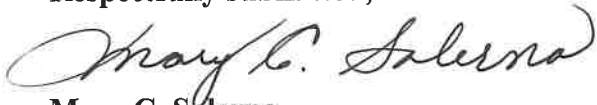
John Muly, Greg Love, Mark Apostolou, Kevin Thompson, Mark Larkin, Leonard Sullivan, John Burke

Mary will send a letter to Mr. Moran stating the Board granted a second extension.

Next, Mary said we will hold the second meeting of June which is on the 18 at 4PM. Al explained this is 444 Long Avenue, it's a new house with a pool they need variances for the pool. The house itself is conforming.

Kevin Thompson made a motion to close the meeting, seconded by Greg Love all in favor none opposed.

Respectfully submitted,

A handwritten signature in cursive script, reading "Mary C. Salerno".

Mary C. Salerno
Planning Board Secretary